

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

LATOYA BROWN; LAWRENCE
BLACKMON; HERBERT ANTHONY
GREEN; KHADAFY MANNING;
QUINNETTA MANNING; MARVIN
MCFIELD; NICHOLAS SINGLETON;
STEVEN SMITH; BESSIE THOMAS; and
BETTY JEAN WILLIAMS TUCKER,
individually and on behalf of a class of all
others similarly situated,

Plaintiffs,

v.

MADISON COUNTY, MISSISSIPPI;
SHERIFF RANDALL S. TUCKER, in his
official capacity; and MADISON COUNTY
SHERIFF'S DEPUTIES JOHN DOES #1
through #6, in their individual capacities,

Defendants.

Civil Action No.
3:17-cv-00347-WHB-LRA

**ORAL ARGUMENT
REQUESTED**

**PLAINTIFFS' RESPONSE TO DEFENDANTS' AMENDED MOTION TO
STRIKE NEWSPAPER ARTICLES ATTACHED TO
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

Plaintiffs Latoya Brown, Lawrence Blackmon, Khadafy Manning, Quinnetta Manning, Nicholas Singleton, Steven Smith, Bessie Thomas, and Betty Jean Williams Tucker ("Plaintiffs") respectfully file this Response to the Amended Motion to Strike Newspaper Articles Attached to Plaintiffs' Motion for Class Certification (ECF No. 274, the "Motion") filed by Defendants Madison County, Mississippi and Sheriff Randall Tucker ("Defendants"), and state:

1. Plaintiffs oppose the Motion and provide that the nine news reports cited by Plaintiffs in their Motion for Class Certification, filed on March 14, 2018 (ECF No. 231), can

and should be considered by the Court on class certification.¹ The Federal Rules of Evidence do not apply strictly at the class certification stage, and accordingly, the News Reports should be considered as evidence in support of Plaintiffs' Motion for Class Certification, regardless of their admissibility. The News Reports provide useful evidence for the Court's consideration in evaluating Plaintiffs' Motion for Class Certification, including, among other points, to show that complaints of racial profiling by the Madison County Sheriff's Department ("MCSD") and Black citizens' protests of the MCSD's racially discriminatory policing practices were widely reported during former Sheriff Toby Trowbridge's administration and that Sheriff Tucker intended to maintain the policies of the former administration.

2. Moreover, even assuming the Federal Rules of Evidence applied in full at the class certification stage, which they do not, the News Reports are not inadmissible hearsay.

3. Four of the News Reports are not offered for the truth of the matter asserted, but rather to show that the events described therein (specifically, complaints of racial profiling by the Madison County Sheriff's Department and Black citizens' protests of its racially discriminatory policing practices) were widely reported. *See New supervisors take office Friday; Is system fair?; Roadblocks questioned in Canton; Racial profiling accusations thrown at Madison sheriff in*

¹ The nine news reports are as follows: *New supervisors take office Friday*, Madison County Journal (Jan. 2, 2008) [Mot. for Class Cert. Ex. 69]; *Is system fair?*, The Clarion-Ledger (July 22, 2007) [Mot. for Class Cert. Ex. 70]; *Roadblocks questioned in Canton*, The Clarion-Ledger (July 18, 2006) [Mot. for Class Cert. Ex. 71]; Elizabeth Crisp, *Racial profiling accusations thrown at Madison sheriff in board meeting*, The Clarion-Ledger (Nov. 6, 2007) [Mot. for Class Cert. Ex. 72]; Elizabeth Crisp, *House panel considers bill to outlaw racial profiling*, The Clarion-Ledger (Jan. 14, 2009) [Mot. for Class Cert. Ex. 73]; Lacey McLaughlin, *Making Amends*, Jackson Free Press (Aug. 17, 2011) [Mot. for Class Cert. Ex. 75]; *Madison County Sheriff's Deputy Captain Randy Tucker to Run for Madison County Sheriff*, Y'all Politics (Jan. 19, 2011) [Mot. for Class Cert. Ex. 76]; *Madison sheriff responds to Jackson councilman's remarks*, The Clarion-Ledger (Jan. 4, 2016), <https://www.clarionledger.com/videos/news/local/2016/01/04/78247954/>, [Mot. for Class Cert. Ex. 80]; *Q&A with Sheriff Randy Tucker*, Madison County Journal (Jan. 14, 2015) [Mot. for Class Cert. Ex. 100] (collectively, "News Reports").

board meeting. Thus, such News Reports are not hearsay and should be considered by the Court in evaluating Plaintiffs' Motion for Class Certification.

4. The other five News Reports cannot be excluded on hearsay grounds because they fall under (i) the admission by party opponent hearsay exception and/or (ii) the residual hearsay exception. *Madison sheriff responds to Jackson councilman's remarks*, which involves a video interview of Defendant Sheriff Tucker, can be considered as an admission by a party-opponent. The remaining four News Reports—*House panel considers bill to outlaw racial profiling*; *Making Amends*; *Madison County Sheriff's Deputy Captain Randy Tucker to Run for Madison County Sheriff*; and *Q&A with Sheriff Randy Tucker*—should be considered under (i) the admission by party opponent hearsay exception as they are offered against Defendants and made by a party in an individual or representative capacity, and (ii) the residual hearsay exception, as they demonstrate sufficient indicia of trustworthiness, have been offered in sufficient advance of trial to put Defendants on notice, are probative evidence of material facts, and the general purposes of the Federal Rules of Evidence would be best served by consideration of the News Reports.

5. Finally, substantial, additional documentary and testimonial evidence exists that corroborates the content underlying the News Reports, which further supports that the Court can and should consider the News Reports in ruling upon Plaintiffs' Motion for Class Certification.

6. In support of this Response, Plaintiffs submit an accompanying Memorandum of Law, which is incorporated herein as if set forth in full, and the exhibits listed below:

1. **Exhibit 1:** Excerpts from Transcript of Deposition of Toby Trowbridge
2. **Exhibit 2:** Excerpts from Transcript of Deposition of Paul Griffin
3. **Exhibit 3:** Excerpts from Transcript of Deposition of Randall Tucker

7. Pursuant to L.U. Civ. R. 7(b)(6)(A), Plaintiffs respectfully request oral argument on the Motion. Because the issues presented by the Motion overlap with the issues presented by Plaintiffs' pending Motion for Class Certification, Plaintiffs request that argument on the instant Motion should be held jointly with argument on Plaintiffs' Motion for Class Certification.

WHEREFORE, for the reasons set forth herein and in Plaintiffs' Memorandum of Law, the Motion should be denied.

Respectfully submitted this 7th day of June, 2018.

By: /s/ Joshua Tom
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CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2018, I caused the foregoing **RESPONSE TO DEFENDANTS' AMENDED MOTION TO STRIKE NEWSPAPER ARTICLES ATTACHED TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION** to be electronically filed with the Clerk of the Court using the CM/ECF system, through which copies have been served to:

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EXHIBIT 1

Toby Trowbridge
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

LATOYA BROWN; LAWRENCE BLACKMON;
HERBERT ANTHONY GREEN; KHADAFY
MANNING; QUINNETTA MANNING; MARVIN
McFIELD; NICHOLAS SINGLETON;
STEVEN SMITH; BESSIE THOMAS; AND
BETTY JEAN WILLIAMS TUCKER,
INDIVIDUALLY AND ON BEHALF OF A CLASS
OF ALL OTHERS SIMILARLY SITUATED

PLAINTIFFS

v. CIVIL ACTION NO. 3:17-CV-00347-WHB-LRA

MADISON COUNTY, MISSISSIPPI;
SHERIFF RANDALL S. TUCKER, IN HIS
OFFICIAL CAPACITY; AND MADISON COUNTY
SHERIFF'S DEPUTIES JOHN DOES #1 THROUGH
#6, IN THEIR INDIVIDUAL CAPACITIES

DEFENDANTS

VIDEOTAPED DEPOSITION OF
MILTON E. TOBY TROWBRIDGE, JR.

APPEARANCES NOTED HEREIN

DATE: TUESDAY, FEBRUARY 13, 2018
PLACE: HILTON GARDEN INN
235 WEST CAPITOL STREET
JACKSON, MISSISSIPPI
TIME: 9:07 A.M.

REPORTED BY: KELLYE S. SHOWS, BCR, CSR, CSR #1290
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Toby Trowbridge
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ALSO PRESENT: SHERIFF RANDALL S. TUCKER
JADE MORGAN

Toby Trowbridge

INDEX

Style	1
Appearances	2
Index	3
Examination by Mr. Rethy	5
Examination by Mr. Pedersen	127
Examination by Mr. Rethy	128
Certificate of Witness	130
Certificate of Court Reporter	131
EXHIBITS:	
Exhibit 1 Policies and Procedures	22
Exhibit 2 Checkpoint Notice	64
Exhibit 3 Policy and Procedure	65
Exhibit 4 Responses to Plaintiffs' Second Set of Interrogatories	74
Exhibit 5 White Pride e-mail	76
Exhibit 6 3/27/08 News Article	92
Exhibit 7 11/6/07 News Article	98
Exhibit 8 7/22/07 News Article	103
Exhibit 9 7/18/06 News Article	106
Exhibit 10 10/29/07 News Article	111
Exhibit 11 Response to Plaintiffs' First Set of Interrogatories	115

Toby Trowbridge

THE VIDEOGRAPHER: This is the start of media label number one, a video recorded deposition of Toby Trowbridge in the matter of LaToya Brown, plaintiff, versus Madison County, Mississippi, et al., United States District Court in the Southern District of Mississippi, Civil Action Number 3:17-CV-347-WHB-LRA. This deposition is being held at the Hilton Garden Inn Downtown, 235 West Capitol, Jackson, Mississippi, on February 13, 2018, at approximately 9:07 a.m.

My named is Eddie Nabors. I'm a legal video specialist associated with TSG Reporting, Inc., headquartered at 747 3rd Avenue, New York, New York. The court reporter is Kellye Shows also associated with TSG Reporting.

I would ask for attorney introductions on the audio portion, please.

MR. RETHY: My name is Isaac Rethy. I'm with Simpson Thacher & Bartlett. I represent the plaintiffs in this action.

MR. TOM: Joshua Tom with the ACLU of Mississippi. I represent the plaintiffs.

MR. ROSS: Charlie Ross with Wise Carter Law Firm. I represent the defendants.

MS. COWAN: Becky Cowan, Currie Johnson &

Toby Trowbridge

Myers, representing the defendants.

THE VIDEOGRAPHER: Will the reporter administer the oath, please.

MR. PEDERSEN: Bob Pedersen.

THE VIDEOGRAPHER: I'm sorry, Mr. Pedersen.

MR. PEDERSEN: Bob Pedersen with Watkins & Eager, representing Mr. Trowbridge.

THE VIDEOGRAPHER: Now, Kellye.

MILTON E. TOBY TROWBRIDGE, JR.,

having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. RETHY:

Q. Good morning, Mr. --

A. Good morning.

Q. -- Trowbridge. Would you state your full name for the record.

A. Milton E. Toby Trowbridge, Jr.

Q. And could you give your current address.

A. You want a P.O. Box or a physical?

Q. Physical.

A. 219 Cedar Hill Road, Flora, Mississippi 39071.

Q. And you were the sheriff of Madison County

Page 94

1 Toby Trowbridge
2 Q. It's maybe the --
3 A. Third?
4 Q. -- sixth one down.
5 A. Sixth?
6 Q. It starts with the word "Organizers...."
7 It's just one line.
8 A. I got it, yes, sir. Okay.
9 Q. So what's your understanding of what racial
10 profiling is?
11 A. Well, to me, racial profiling is whenever
12 you would break the law as to -- what word am I -- you
13 could -- looking for the word, to go against one group
14 and not another one or a couple of groups and not, you
15 know, do an across the board policing or across the
16 board of anything when you start profiling. And it
17 wouldn't -- whether it be black, blue, green, white,
18 rich or poor, if you single one out you're racial
19 profiling.
20 Q. When you were sheriff, did the sheriff's
21 office engage in racial profiling?
22 A. No, sir.
23 Q. So we earlier talked about complaints that
24 have been made and these protests weren't specifically
25 brought up. Would you consider these protests to be

Page 95

1 Toby Trowbridge
2 complaints that were made during your tenure?
3 A. I hadn't seen them so I can't -- you know,
4 have you got any of the protests -- I mean,
5 complaints?
6 Q. You mean that you didn't see any document
7 that contained a written complaint? Is that what
8 you're saying?
9 A. I'm asking you if you want to show me one
10 I'll -- I'll look at it, but I -- I -- I don't have
11 any of them.
12 Q. But you were aware that this was going on
13 at the time?
14 MR. ROSS: Object to the form.
15 A. Not racial profiling.
16 BY MR. RETHY:
17 Q. The protests. You were aware that the
18 protests were going on?
19 A. Oh, yes, I was there. Uh-huh. I was at
20 the office.
21 Q. And did you take any action to investigate
22 whether the claims of racial profiling had any merit?
23 A. No.
24 Q. Why not?
25 A. Just because they were protesting and

Page 96

1 Toby Trowbridge
2 marching down the street is no cause for me -- we had
3 -- any other -- if there were any other letters or
4 complaint or whatever, you know, me being the chief
5 law enforcement officer I would have given them to the
6 chief and he looked into them, and knowing the chief
7 as I do if there was any discrimination or racial
8 profiling he would have brought it to my attention and
9 stopped it. Mind you, just because a person says
10 you're racial profiling doesn't mean you're racial
11 profiling.
12 Q. You testified previously that you had heard
13 Chief Belvedresi use racial slurs. Right?
14 A. (Nodded head affirmatively.)
15 Q. If you could answer --
16 A. Yes. I'm sorry. Yes.
17 Q. -- audibly. And would that be any cause
18 for concern about his qualification to investigate
19 complaints of racial profiling?
20 A. In my opinion, in the way -- and then when
21 you asked me about all of these people if they used
22 it, including myself, none of those were ever pointed
23 directly at a person and called by a name or you --
24 called you out like that. It was just in passing,
25 maybe in conversation or walking down the hall or

Page 97

1 Toby Trowbridge
2 walking across a parking lot or whatever. And there
3 is -- there is nothing that I know of using that
4 word that's discriminatorily or racially against the
5 law. Is there? Is there?
6 Q. We're not talking about whether anyone would
7 be arrested for using that word.
8 A. All right. I'm just saying that had I felt
9 like it was pointed point-blank at somebody or they
10 were called -- if I called you that or something or
11 anybody of that color or whatever, I would have
12 certainly gotten involved in it and done something
13 with it, but in passing when it didn't mean to point
14 at any one person or call somebody out or call
15 somebody on the carpet and it did not discriminate
16 against a person or a group of people, no, I didn't
17 find it very dis -- discriminating at all that I
18 could charge them with any kind of violation, and that
19 included myself.
20 Q. So you're saying that the fact that --
21 A. I know I'm the one that's being deposed here,
22 but I asked you a question.
23 MR. PEDERSEN: You can't -- you can't do that.
24 He asks the questions. We give the answers.
25 A. I understand. I remember a judge telling

25 (Pages 94 to 97)

Page 98

Page 99

1 Toby Trowbridge
2 me that one time.
3 BY MR. RETHY:
4 Q. So you're saying that the fact that Chief
5 Belvedresi used racial slurs as discussed to you didn't
6 give you the cause for concern regarding him being
7 an appropriate person to investigate claims of racial
8 profiling?
9 A. Just because a person uses slurs or slang
10 or something like that does not mean that they're not
11 a person that would look into both sides of the
12 story, and I can tell you right now that Chief Eddie
13 Belvedresi is the type of person that would take very
14 to heart both sides of every story no matter if they
15 were blue, white, green, rich or poor, wore the
16 uniform, or on the other side of that table, no, sir.
17 And I hired him because he felt basically the same
18 way I did, and there's no -- to be no discrimination.
19 And just because you make a remark doesn't mean that
20 you are a discriminatory person and that you can't do
21 your job right. And if there's anybody in this room
22 that thinks that they have ever not done the same
23 thing, let them throw that first stone.
24 MR. RETHY: This document is 7.
25 (EXHIBIT 7 MARKED.)

1 Toby Trowbridge
2 A. And I going to get to keep all of these
3 or give them back?
4 BY MR. RETHY:
5 Q. No. They go to the court reporter.
6 A. Okay. (Reviewed document.) Is there a
7 third page?
8 Q. Two pages. It doesn't have anything on it.
9 A. Okay.
10 Q. So this is another news article and it's
11 discussing a board of -- events at a board of
12 supervisors meeting. Do you recall that board of
13 supervisors meeting?
14 A. I do not recall that one. I do -- I do
15 recall the one where I was telling you about
16 Patricia, ICE --
17 Q. Right.
18 A. -- on that second page. And I want to add
19 that it says here that ICE claimed that the Madison
20 County Detention Center takes bond from jailed
21 undocumented Latino immigrants but does not let them
22 out. Okay. Well, her complaint was that I was
23 stealing money from them, and I explained to you the
24 process of where it went under lock and key.
25 She was ignorant to the fact of how it works

Page 100

Page 101

1 Toby Trowbridge
2 and probably, if not all the time -- no, I can't say
3 all the time, but the majority of the time ICE had a
4 hold on -- they were undocumented. So when they bonded
5 out or bond for the county thing they still had a
6 federal hold on them. I can't let them go if that's
7 what she's alluding to.
8 Q. So ICE, you mean Immigration Customs
9 Enforcement --
10 A. Yeah, I don't what it is now.
11 Q. -- not Patricia Ice?
12 A. Yeah. You understand what I'm saying?
13 Q. Yes.
14 A. Even though they bond on our charges or
15 Madison's charges or Canton's charges, they still --
16 a hold is there for ICE.
17 Q. So the news article also discusses --
18 discusses Mr. Archie being present and discussing
19 issues of supervisors. Do you recall that aspect of
20 the meeting?
21 A. I do not. I -- you know, I don't believe
22 he was at that meeting and I don't recall ever David
23 Archie being in a supervisor meeting.
24 Q. There's -- on the second page, there's
25 recorded statements by Supervisor Carl Banks and it

1 Toby Trowbridge
2 states, "Banks said he think there's a problem with
3 the perception of the sheriff's department. The
4 conversation today was about a feeling in the
5 community, Banks said. I know as an
6 African-American that there's a real feeling in the
7 community that the department is discriminating
8 against people."
9 Do you see that?
10 A. Yes, sir.
11 Q. Did you have an understanding at that time
12 that there was that feeling in the community?
13 A. Well, anytime you're a chief law
14 enforcement officer or just an officer of the law,
15 things are going to be said about you, written about
16 you. That doesn't mean they're true. And if you've
17 got the perception that that was true every time
18 that somebody said something you'd end up with ulcers
19 or a heart attack or something else. I did whatever
20 I thought I could to take care of the people in Madison
21 County and that meant blue, white, green, red, rich
22 or poor evenly across the board.
23 Now, you know, I got along with Carl Banks
24 fine. He's a -- he's a good man, a supervisor. Was
25 supervisor for like 28 years. I don't know if this was

26 (Pages 98 to 101)

Page 102

1 Toby Trowbridge
2 after or before we had to arrest his son or not. You
3 can ask him that.
4 Q. Do you recall when you arrested his son?
5 A. I do not.
6 Q. Are you saying that he might have been
7 making up these statements based on --
8 A. I don't know.
9 Q. -- a grudge that he held?
10 A. I wasn't -- I don't recall him ever saying
11 anything to me. The board to the best of my knowledge
12 has never ever tried to tell me that I was not doing
13 a good job.
14 Q. So you say you never discussed any issues
15 regarding racial profiling or discrimination or a
16 perception of racial profiling or discrimination with
17 Carl Banks?
18 A. Not that I recall.
19 Q. Towards the bottom of the story it says,
20 "Banks said he routinely fields complaints about the
21 sheriff's department. He said the sheriff -- the
22 sheriff should work with people to change the
23 department's image. Communication could help bring
24 about an understanding, he said. Trowbridge has
25 said that he does not meet with residents to discuss

Page 103

1 Toby Trowbridge
2 complaints."
3 Is it correct that you would not meet with
4 residents to discuss complaints?
5 A. No, I'm not going to go into a group of
6 people and just start fending for myself, no.
7 Q. And why not?
8 A. Well, I felt like everything was going the
9 way it should be. You're going to have disgruntled
10 people whether it be in law enforcement or the car
11 business if they don't like the way their car's
12 running or whatever, and for me to just go sit in
13 there and field 20, 30, 40, 50 questions of just
14 throwing them at me left and right, I wasn't going
15 to let it get out of hand like that. Any complaint
16 that came to the sheriff's office was given to the
17 chief, Belvedresi, to look into.
18 MR. RETHY: Exhibit 8.
19 (EXHIBIT 8 MARKED.)
20 A. (Reviewed document.) All right.
21 BY MR. RETHY:
22 Q. Look towards the bottom of the first page
23 of Exhibit 8 here. It's another news article. It
24 states, "Madison County District 5 supervisor said
25 many people in Madison County are aware that the

Page 104

1 Toby Trowbridge
2 department is perceived as targeting blacks and have
3 tried to get Trowbridge to meet with concerned
4 citizens."
5 Do you see that?
6 A. Uh-huh.
7 Q. Have you ever spoken with -- with Paul
8 Griffin about racial profiling or racial discrimination
9 or the perception of either?
10 A. Not that I recall.
11 Q. Do you recall providing any statistics
12 about arrests to media companies or anyone else during
13 this time period?
14 A. I don't think that I did. You know, I don't
15 know who would have, other than it could have been
16 Justice Court. You know, I don't -- I just don't know
17 who did that.
18 Q. And as a general rule, you didn't keep
19 statistics broken down by race in the department. Is
20 that right?
21 A. I did not, no. It's a good article, though.
22 It lets you know that other cities are doing their job,
23 too.
24 Q. On the second page, it says, Griffin, the
25 former deputy -- deputy sheriff, says he thinks

Page 105

1 Toby Trowbridge
2 racial profiling goes on in every department in the
3 country. It's not something that's just in Madison
4 County, he said.
5 Do you agree with that statement?
6 A. Well, I don't know how deputy/supervisor
7 Griffin would know that. It sounds like that's
8 being taken out of context to say that every other
9 department in this country. What kind of profiling
10 is that? And I'm not asking you the question. I'm
11 just making a statement. We -- we got to just figure
12 out just -- you know, you just don't make statements
13 like that. He can't back that up, but yet he charges
14 me with racial discrimination.
15 Q. Do you have any sense of why he would do
16 that?
17 A. No, I don't. Unless he's listening to his
18 constituents and he's got to get re-elected.
19 Q. So do his constituents believe they're
20 being racially profiled?
21 A. Pardon?
22 Q. You're saying you think his -- his
23 constituents were telling him that he was racially
24 profiling?
25 A. I don't know. I mean, you're telling me.

27 (Pages 102 to 105)

Page 106

Page 107

1 Toby Trowbridge
2 I didn't talk to Paul about it.
3 Q. Did you do anything to change any of the
4 -- any of the practices that the sheriff's department
5 -- any of the sheriff's department's practices in
6 response to this sort of criticism?
7 A. No. We weren't doing anything wrong.
8 The only thing that I know that changed was posting
9 roadblocks or safety checkpoints.
10 Q. So you're saying that posting the
11 roadblock notices was something that came out of
12 these -- this era and these protests?
13 A. No. You have to ask the judge or whoever
14 required us to start doing that. I'd rather him be the
15 one to point the finger. And I'm not.
16 Q. Okay. I'm just asking --
17 A. Yes.
18 Q. -- because you brought it up.
19 A. Yes, I don't -- I don't recall. I mean,
20 you'll just have to ask who mandated that we start doing
21 that. I learned a long time ago not to question the
22 judge.
23 (EXHIBIT 9 MARKED.)
24 BY MR. RETHY:
25 Q. Exhibit 9 is another news article.

1 Toby Trowbridge
2 A. (Reviewed document.) All right.
3 Q. This news article discusses another board
4 of supervisors meeting and an individual named Laura
5 Elaine Blair presenting a petition where it says had
6 664 signatures asking for an end to frequent
7 roadblocks in the predominantly black neighborhoods,
8 the excessive force, and brutality administered --
9 administered by police officers and racial profiling.
10 Do you recall the meeting that's discussed
11 here?
12 A. I do not.
13 Q. Do you recall the petition with 664
14 signatures?
15 A. No, sir.
16 Q. Do you have any familiarity with the
17 individual Laura Elaine Blair?
18 A. No, sir.
19 Q. It states that you were present at the
20 meeting and you refused to meet with the group and
21 explained that a meeting was a lose/lose situation.
22 Do you see that? It's on the first page.
23 A. Right.
24 Q. Do you recall making that statement?
25 A. No, I do not.

Page 108

Page 109

1 Toby Trowbridge
2 Q. Do you have an understanding of what you
3 meant by that?
4 A. That I meant by that?
5 Q. Yes.
6 A. Just like I told you previously --
7 MR. RETHY: Object to the form. Lack of
8 foundation. He said he doesn't remember this.
9 A. I mean, you go in and meet with a group of
10 people and everybody's going to be hollering and
11 carrying on and nothing's going to come out of it. It
12 just doesn't work.
13 BY MR. RETHY:
14 Q. And the next paragraph says, "Trowbridge says
15 he's not ending roadblocks because they're useful in
16 nabbing drivers under the influence and those with
17 outstanding warrants and for confiscating illegal
18 drugs; therefore, he said, there's no point to meet."
19 Do you recall making that statement?
20 A. No, I don't recall it, but if it's -- is
21 it in parentheses?
22 Q. It's on the first page.
23 A. The first page.
24 Q. It's right under the lose/lose paragraph.
25 A. Well, I don't recall saying that either.

1 Toby Trowbridge
2 Q. Do you agree with that statement?
3 A. Well, safety checkpoints are good in a lot
4 of things. So I don't have -- you know, you just --
5 if you've got drivers under the influence, I can't
6 help it for them. As long as -- as long as they're
7 over the limit, go to jail.
8 Q. Do you agree that they're also useful for
9 enforcing outstanding warrants and confiscating
10 illegal drugs?
11 MR. ROSS: I object to the form.
12 A. Well, I mean, if you see something there
13 or if there are outstanding warrants, I certainly don't
14 think a man can walk away from it. Do you? I'm sorry.
15 I can't ask you any questions. I see no way for a
16 lawman of any statute to walk away from any outstanding
17 warrant on anybody, black, white, blue, green, rich
18 or poor. I don't. Or any illegal drugs.
19 BY MR. RETHY:
20 Q. Then on the second page towards the end
21 of the article --
22 A. Yes.
23 Q. -- this Griffin says he's received
24 numerous complaints alleging verbal abuse as well as
25 in some cases physical abuse at the hands of the

28 (Pages 106 to 109)

1 Toby Trowbridge

2 A. Yes, sir, I do.

3 Q. Who was that?

4 A. His name was Otha Brown.

5 Q. Is that the -- the only black officer you
6 heard use that term?

7 A. I believe so.

8 Q. Nothing further.

9 THE VIDEOGRAPHER: Are we done? Off record.
10 2:54.

11 (DEPOSITION CONCLUDED AT 2:54 P.M.)

12

13

14

15

16

17

18

19

20


Toby Trowbridge

21

22 Subscribed and sworn to before me

23 this 19th day of March, 2018.

24


NOTARY PUBLIC

25



Page 130

1 NAME OF CASE:

2 DATE OF DEPOSITION:

3 NAME OF WITNESS:

4 Reason Codes:

5 1. To clarify the record.

6 2. To conform to the facts.

7 3. To correct transcription errors.

8 Page _____ Line _____ Reason _____

9 From _____ to _____

10 Page _____ Line _____ Reason _____

11 From _____ to _____

12 Page _____ Line _____ Reason _____

13 From _____ to _____

14 Page _____ Line _____ Reason _____

15 From _____ to _____

16 Page _____ Line _____ Reason _____

17 From _____ to _____

18 Page _____ Line _____ Reason _____

19 From _____ to _____

20 Page _____ Line _____ Reason _____

21 From _____ to _____

22 Page _____ Line _____ Reason _____

23 From _____ to _____

24 _____

25

Page 131

1 Toby Trowbridge

2 CERTIFICATION OF REPORTER

3

4 I, Kellye S. Shows, Court Reporter and

5 Notary Public for the state of Mississippi, do

6 hereby certify that the above and foregoing pages

7 contain a full, true and correct transcript of the

8 proceedings had in the aforementioned case at the time

9 and place indicated, which proceedings were recorded

10 by me to the best of my skill and ability.

11 I also certify that I placed the witness

12 under oath to tell the truth and that all answers

13 were given under that oath.

14 I certify that I have no interest,

15 monetary or otherwise, in the outcome of this case.

16

17

18 This the 26th day of February, 2018.

19

20 _____

21 KELLYE S. SHOWS

22 MS CSR #1290

23

24 My Commission Expires:

25 January 17, 2020

EXHIBIT 2

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
4 NORTHERN DIVISION

5 LATOYA BROWN; LAWRENCE
6 BLACKMON; HERBERT ANTHONY
7 GREEN; KHADAFY MANNING;
8 QUINNETTA MANNING; MARVIN
9 McFIELD; NICHOLAS SINGLETON;
10 STEVEN SMITH; BESSIE THOMAS; and
11 BETTY JEAN WILLIAMS TUCKER,
12 individually and on behalf of a class
13 of all others similarly situated,
14 PLAINTIFFS,

15 V.

CIVIL ACTION NO.
3:17-cv-00347-WHB-LRA

16 MADISON COUNTY, MISSISSIPPI;
17 SHERIFF RANDALL S. TUCKER in his
18 official capacity; and MADISON COUNTY
19 SHERIFF'S DEPUTIES JOHN DOES #1
20 through #6, in their individual capacities,
21 DEFENDANTS.

22 DEPOSITION OF PAUL GRIFFIN
23 WEDNESDAY, JANUARY 10, 2018
24 MADISON COUNTY BUSINESS LEAGUE & FOUNDATION
25 135 MISSISSIPPI PARKWAY
CANTON, MS
4:10 P.M.

REPORTED BY: DEBORAH H. NELSON, CSR #1256
JOB NO.: 136018

APPEARANCES:

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COUNSEL FOR MADISON COUNTY

ALSO PRESENT:

J. Lawson Hester, Esquire
 Chief Deputy Jeremy Williams
 Jade Morgan

INDEX

Style and Appearances.....	1
Examination by Mr. Tom.....	4
Examination by Mr. Graves.....	131
Further Examination by Mr. Tom.....	134
Further Examination by Mr. Graves.....	134
Court Reporter's Certificate.....	136
Deponent's Certificate.....	137

EXHIBITS

Exhibit 1 - Article from The Clarion-Ledger.....	34
Exhibit 2 - 2018 DUI Grant.....	45
Exhibit 3 - News Article from The Clarion-Ledger.....	68
1/5/2016	
Exhibit 4 - E-mail chain from Frank Halford.....	73
Exhibit 5 - E-mail 2/25/16 from Tony Greer.....	84
Exhibit 6 - 5/10/17 News Article - Madison Journal...	86
Exhibit 7 - Clarion-Ledger News Article - 7/22/07...	109
Exhibit 8 - News article concerning using radar.....	119
Exhibit 9 - Roadblocks questioned - Article.....	122

PAUL GRIFFIN
 PAUL GRIFFIN,

after having first been duly sworn by the court reporter, was examined and testified under oath as follows:

EXAMINATION BY MR. TOM:

Q Good afternoon, Supervisor Griffin. My name is Joshua Tom.

A All right, sir.

Q I work with the ACLU of Mississippi, and I represent the plaintiffs in the case, Brown versus Madison County. Please state your full name for the record.

A Paul Edward Griffin.

Q Have you ever been deposed before?

A Yes.

Q How many times?

A Once or twice.

Q Can you tell me about the first time that you were deposed?

A It was on some economic development lawsuit or something dealing with the county. It's been so long ago, I can't exactly tell you what it was.

Q And was this during your tenure as a Board

Page 106

PAUL GRIFFIN

second or third page of this manual that I, and this is a paraphrase, I, Sheriff Randall Tucker, adopt all of Sheriff Trowbridge's policies and procedures.

A Uh-huh.

Q And --

MR. GRAVES: I'm going to object to that. That's a mischaracterization of what he said, but --

MR. TOM: It's a paraphrase.

MR. GRAVES: And I'm objecting to the paraphrasing of what he said.

Q (Mr. Tom) Do you have any reason to believe that, based on your experience in Madison County, that Sheriff Tucker has different policies and procedures than Sheriff Trowbridge?

MR. GRAVES: And I object to, one, mischaracterization of what he said. I'm also going to object to the asked and answered. He already said that he doesn't know about the differences in the policies.

A Uh -- the sheriff makes up his own policy. So if Towbridge (sic) had some and Randy adopted them, that's their policy. The Board of Supervisors

Page 107

PAUL GRIFFIN

didn't make it up.

Q So you said before that you had had complaints from citizens of Madison County about roadblocks under Sheriff Trowbridge; right?

A Uh-huh.

Q Do you have any reason to believe that Sheriff Tucker has changed the roadblock policy that was under Sheriff Trowbridge?

MR. GRAVES: And we object to that as asked and answered. He already said Sheriff Tucker has them all over the county. I know it's been awhile, but he already said that.

A Yeah. Policy -- roadblock policies, I don't know. Do you have a -- I haven't read his policies to know he have a policy on roadblocks. Roadblocks is taught in the State Academy. You have to look up their policy to know what the policy of roadblocks are.

Q (Mr. Tom) So you have no basis to say that Sheriff Tucker is doing roadblocks differently than Sheriff Trowbridge; right?

MR. GRAVES: Object to the form.

A No, I don't know any difference, but I'm

Page 108

PAUL GRIFFIN

not out there. I'm not a deputy, and I'm not out there.

Q (Mr. Tom) And the fact that somebody hasn't complained about a roadblock under Sheriff Tucker doesn't mean that he's not doing roadblocks; right?

A I'd have to agree.

Q Now, does the sheriff's department ever provide any documents or statistics to the Board of Supervisors?

A No, none I recall.

Q Now, have you ever heard anyone at the sheriff's department that works for the sheriff's department use a racially or a racial slur?

A No, I haven't heard it.

Q Now, when you had those complaints against Sheriff Trowbridge about the roadblocks, did you have concerns about racial profiling under Sheriff Trowbridge?

A Yes.

Q And what were those concerns?

A Racial profiling.

Q And do you think that Sheriff Trowbridge racially profiled residents of Madison County?

Page 109

PAUL GRIFFIN

A I can't say that Sheriff Towbridge (sic) racially profiled. He might not even know what was going on. I don't think the sheriff did, but he might not have even knew it was going on, if it was going on.

Q You said he did know or did not know?

A He could not have known, not have known it was going on. Madison County is a big county, if it was going on.

(Exhibit 7 marked for the record)

Q (Mr. Tom) This will be 7, please. Exhibit 7. Now, Exhibit 7, Mr. Griffin, is an article from the The Clarion-Ledger dated July 22, 2007. (PAUSE) Feel free to read the second page. I'm only going to ask you about the first page though.

A Okay. All right.

Q So do you see your quote down here?

A Yes.

Q "Madison County District 5 Supervisor, Paul Griffin said, 'Many people in Madison County are aware that the department,' which is talking about the sheriff's department, 'is perceived as targeting blacks, and I have tried to get Trowbridge

Page 114

PAUL GRIFFIN

1 again.

2 Q (Mr. Tom) You said that the sheriff's
3 department may not be policing areas with white
4 people.

5 A Okay.

6 Q And that could account for this
7 discrepancy in DUI arrests. Isn't that what you
8 said?

9 A Yeah. Yeah.

10 Q And so in your experience as a law
11 enforcement deputy with the sheriff's department,
12 did the sheriff's department police black and
13 Hispanic areas more than white areas?

14 A Uh -- no, they did not.

15 Q So if they did not police black and
16 Hispanic areas more than white areas, what do you
17 think the explanation for this discrepancy in DUI
18 arrests is?

19 A I don't know.

20 Q Do you think it has to do with racial
21 profiling?

22 A Uh -- I'm not -- I can't get in no
23 deputy's mind, so I can't say.

24 Q In your law enforcement experience, what
25

Page 115

PAUL GRIFFIN

1 would be the reasons beyond racial profiling that
2 would explain this discrepancy in DUI arrests?

3 MR. GRAVES: Object to the form.

4 A I don't know none. Show don't.

5 Q (Mr. Tom) Can't think of one?

6 A Not more than profiling, no.

7 Q So do you remember in 2006 when a group of
8 Canton residents, they called themselves Concerned
9 Citizens of Canton, presented the Madison County
10 Board of Supervisors with a petition bearing 664
11 signatures, demanding the end of frequent roadblocks
12 in the predominantly black areas, excessive force
13 and brutality administered by police officers in
14 racial profiling?

15 A Yeah, I remember that.

16 Q And did you think that those concerns had
17 merit?

18 A Yes, I think they did.

19 Q And do you remember in July 2006, Canton
20 resident Laura Elaine attended a Madison County
21 Board of Supervisors meeting on behalf of the
22 concerned citizens of Canton? Sheriff Trowbridge
23 was at this meeting, but he refused to meet with
24 representatives from the Concerned Citizens of
25

Page 116

PAUL GRIFFIN

1 Canton.

2 Sheriff Trowbridge denied using racial
3 profiling and stated that the Madison County
4 Sheriff's Department would continue using roadblocks
5 as a policing practice. Do you remember this board
6 meeting?

7 A Yes.

8 Q So Sheriff Trowbridge did know about these
9 concerns about racial profiling; right?

10 MR. GRAVES: Objection. Asked and
11 answered.

12 A It looks like he do. He was in that
13 meeting, and he chose not to meet with that group or
14 that leader.

15 Q (Mr. Tom) So the answer to my question is
16 yes?

17 A Yes.

18 Q So what did you do to try to get
19 Sheriff Trowbridge to meet with the Concerned
20 Citizens of Canton?

21 A It wasn't much for me to do when he in
22 open meeting saying he wasn't going to meet with
23 them.

24 Q So do you remember a group of residents
25

Page 117

PAUL GRIFFIN

1 from Flora in October 2007, called Concerned
2 Citizens II of Flora that complained about
3 roadblocks in Flora?

4 A I want to say I do. Now, I don't want to
5 get these meetings confused, but I would say yes.

6 Q And did you think that the concern, the
7 Concerned Citizens II of Flora concerns had merit?

8 A Uh -- yes.

9 Q So in a November 2007 board meeting,
10 Sheriff Trowbridge denied charges of racial
11 profiling. At this meeting, former District 4
12 Supervisor, Karl Banks, expressed his disappointment
13 at the way that the Board of Supervisors had
14 addressed the issue of racial profiling.

15 Supervisor Banks stated that he routinely
16 fielded complaints about the Madison County
17 Sheriff's Department and said that Sheriff
18 Trowbridge should work with people to change the
19 department's image. He's quoted, that's Karl Banks
20 is quoted as saying, "The conversation today was
21 about a feeling in the community. I know, as an
22 African-American, that there's a real feeling in the
23 community that the department," speaking of the
24 sheriff's department, "is discriminating against
25

Page 118

1 PAUL GRIFFIN
2 people."
3 Do you remember that?
4 A Yes.
5 Q And do you agree with Mr. Banks that
6 there's a feeling in the community about racial
7 discrimination?
8 MR. GRAVES: Are you talking about
9 back in 2007?
10 MR. TOM: Yes.
11 A Yes.
12 Q (Mr. Tom) So do you have any reason why
13 the board minutes don't reference any of these
14 complaints about racial profiling?
15 MR. GRAVES: Objection. Asked and
16 answered. He already said unless they
17 voted on something, it wouldn't be in the
18 board meeting.
19 A It wasn't voted on. It wasn't voted on.
20 Q (Mr. Tom) Do you remember in 2009 there
21 was a bill that was proposed in Mississippi to
22 outlaw racial profiling?
23 A No, I don't remember that.
24 Q So do you remember a bill in 2004 to use,
25 for law enforcement agencies to use radar equipment?

Page 120

1 PAUL GRIFFIN
2 have any idea why radar is politically unpopular?
3 A Uh --
4 Q Why would a bill such as this never be
5 passed?
6 A I ain't going to say it would never be
7 passed, but the reason why is because -- just my
8 opinion -- there's elected officials, local elected
9 officials concerned that local people would get
10 tickets, and it will fall back on the local
11 officials instead of the State, if they were to let
12 radar come in.
13 Q So it says down here that the Madison
14 County Board of Supervisors refused to pass a
15 resolution supporting radar legislation.
16 A Uh-huh.
17 Q "Board Vice Chairman, Paul Griffin, voted
18 against the resolution, citing fears that radar
19 would be used to racially, in racial profiling of
20 drivers."
21 How would radar be used to racially profile
22 drivers?
23 A Uh -- just from -- uh -- the only way I
24 can speak is from my law enforcement experience. If
25 you work a certain area, that's -- that's the people

Page 119

1 PAUL GRIFFIN
2 A That was presented?
3 Q Yes.
4 A To the State or to Madison County?
5 Q It was to the State.
6 A Yes.
7 Q And at this time do you know if a law has
8 ever been passed allowing law enforcement agencies
9 in Mississippi to use radar?
10 A In -- uh -- deputy sheriff, or who are you
11 talking about using radar?
12 Q Any law enforcement agency in Mississippi?
13 A Yeah, the city police and MHP, they can
14 use radar.
15 Q So city police can?
16 A Yeah, with a certain amount of population.
17 (Exhibit 8 marked for the record)
18 Q (Mr. Tom) This will be Exhibit 8. So you
19 don't need to read this article. I'll read the
20 sections that I'm curious about. So this is an
21 article from March 7, 2004, and it's about the radar
22 equipment that I just talked about.
23 A Uh-huh.
24 Q And Sheriff Trowbridge says, "It never got
25 passed, and I don't think it ever will." Do you

Page 121

1 PAUL GRIFFIN
2 you're going to catch is the local people. So if
3 you work in Ridgeland, you're going to catch local
4 folks, and local folks are going to be the one that
5 live right there in Ridgeland.
6 If you work in Camden or Canton, you're going
7 to catch local folks there. If that explains what
8 you're asking.
9 Q And so what you're saying is that a radar
10 gun gives a law enforcement officer indisputable
11 reason to stop someone if the person is going over
12 the speed limit?
13 A Yeah, it do give them reason to stop them
14 if they're going over the speed limit, yes.
15 Q And so if you're using radar in a black
16 community --
17 A You're going to catch black folks.
18 Q And is that what your concerns are?
19 A Yes.
20 Q Do you know if the sheriff's department
21 ever got the ability to use radar?
22 A No.
23 Q That is you don't know or they did not get
24 it?
25 A They did not.

Page 122

PAUL GRIFFIN

Q So they don't use radar?

A No. That's probably 80 out of 82 counties don't use.

Q So Sheriff Trowbridge at the bottom says, responding to your concerns, "I thought radar was to detect speed, not race."

What does he have wrong there?

A What he got wrong?

Q Yeah.

A What I just told you. You can -- you can get race by working the race area. If you work the white area, you're going to catch white folks. If you work black folks, you're going to catch black folks. If you work the Hispanic area, you're going to catch Hispanics.

MR. TOM: You guys want to take a break? I've got maybe 30 more minutes.

(BRIEF RECESS)

(Exhibit 9 marked for the record)

Q (Mr. Tom) All right, Mr Griffin, this will be Exhibit 9. We've already talked about this. This is about Concerned Citizens of Canton, and the, when they presented 664 signatures to the Board of Supervisors. Do you remember when we talked

Page 123

PAUL GRIFFIN

about that?

A Uh-huh.

Q This is a Clarion-Ledger article about that event. And, before, you said you thought that the Concerned Citizens of Canton, their concerns had merit; right?

A Yes.

Q So let's -- this is what they specifically said. In the second paragraph, it says, "The group she leads called Concerned Citizens of Canton, Mississippi, have gathered 664 signatures asking for an end to frequent roadblocks in the predominantly black neighborhoods, excessive force and brutality administered by police officers and racial profiling."

So if you look towards -- uh -- three paragraphs down it says, "The majority of complaints" -- speaking of these complaints that I just listed -- "are directed at the Madison County Sheriff's Department, Blair said."

So, let's go by these one-by-one. Do you think that the Concerned Citizens of Canton, their concerns about frequent roadblocks in the predominantly black areas when this article -- uh --

Page 124

PAUL GRIFFIN

at this time, do you think that that had merit?

A Yes.

Q Do you think that the excessive force and brutality administered by police officers had merit?

A I can't say. I wasn't there on that issue.

Q And it says "and racial profiling." Do you think that has merit?

MR. GRAVES: Are you talking about at the time?

MR. TOM: As it relates to this particular complaint, yes, and this article.

A I would say that that group thought so, so, yes, I would say I thought it had a little merit.

Q (Mr. Tom) Now, turn to the second page, please? And if you look on the, you're quoted here, District 5 Supervisor Paul Griffin. "Griffin said he's received numerous complaints alleging verbal abuse, as well as some cases of physical abuse at the hands of the sheriff's department."

Do you remember these complaints?

A Uh -- I can't say that I do.

Page 125

PAUL GRIFFIN

Q Do you have any reason to believe that what you said here was wrong?

A No.

Q So and you say, "When he served under a previous sheriff, he said he witnessed abuse." And this is under -- uh -- what sheriff did you work under again?

A Jessie Hopkins.

Q Hopkins. So what kind of abuse are you talking about here?

A Uh -- I guess you would call what would be physical abuse.

Q Excessive force?

A No, I wouldn't call it that. Uh -- there was a guy being chased, and he ran out in the field, and the deputy put a lot of mud on the violator's face after he caught him. That's the type. It wasn't no reason for him to do that.

Q Do you remember what the violator had done or what he was --

A I don't know what the initial charge was, but he was -- he was running from the police at that time. I don't know what the initial charge was.

Q So we've talked before -- this is going

Page 134

PAUL GRIFFIN

Q Are you aware of any policy in the Madison County Sheriff's Department that says that any type of policing practices should be conducted based on race?

A No.

MR. GRAVES: No further questions.

MR. TOM: I just have one more question.

FURTHER EXAMINATION BY MR. TOM:

Q Are you aware of any policies with the Madison County Sheriff's Department that would ensure that racial profiling does not happen?

A No. And because I --

MR. GRAVES: Go ahead.

A Well, the Board of Supervisors didn't put the sheriff's policies together. The sheriff's policy is the sheriff's policy.

FURTHER EXAMINATION BY MR. GRAVES:

Q And so this is my last follow-up question to that. So and if I'm hearing you right, that just means you're saying you don't know one way or the other whether there is or not?

///

Page 135

PAUL GRIFFIN

A No, sure don't.

MR. GRAVES: No further questions.
(Deposition concluded at approximately 7:50 p.m.)

Page 136

CERTIFICATE OF COURT REPORTER

I, DEBORAH H. NELSON, Court Reporter and Notary Public for the State of Mississippi, do hereby certify that the above and foregoing pages contain a full, true, and correct transcript of the proceedings had in the forenamed cause at the time and place indicated, which proceedings were recorded by me to the best of my skill and ability.

I also certify that I placed the witness under oath to tell the truth and that all answers were given under that oath.

I certify that I have no interest, monetary or otherwise, in the outcome of this case.

Witness my signature and seal this the 23rd day of January, 2018.

DEBORAH H. NELSON, CSR 1256

My Commission Expires:
March 6, 2018

Page 137

CERTIFICATE OF DEPONENT

I, PAUL GRIFFIN, certify that I have examined the foregoing pages as to the correctness thereof, and that after reading said pages, I find them to contain a full and true transcript of the testimony as given by me on WEDNESDAY, JANUARY 10, 2018 except for the list of corrections, if any, attached on a separate sheet with the page number, line number and the desired correction/change.

Witness my hand, this the ____ day of _____, 2018.

PAUL GRIFFIN

CERTIFICATE

Subscribed and sworn to before me, this the ____ day of _____, 2018.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

1 ERRATA SHEET

2 Case Name:

3 Deposition Date:

4 Deponent:

5 Pg. No. Now Reads Should Read Reason

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 _____

21 _____

Signature of Deponent

22

SUBSCRIBED AND SWORN BEFORE ME

23 THIS ____ DAY OF _____, 2018.

24

25 (Notary Public) MY COMMISSION EXPIRES: _____

EXHIBIT 3

RANDALL TUCKER
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

LATOYA BROWN; LAWRENCE
BLACKMON; HERBERT ANTHONY
GREEN; KHADAFY MANNING;
QUINNETTA MANNING; MARVIN
McFIELD; NICHOLAS SINGLETON;
STEVEN SMITH; BESSIE THOMAS; and
BETTY JEAN WILLIAMS TUCKER,
individually and on behalf of a class
of all others similarly situated, PLAINTIFFS

V. CIVIL ACTION NO. 3:17-cv-00347-WHB-LRA
MADISON COUNTY, MISSISSIPPI;
SHERIFF RANDALL S. TUCKER in his
official capacity; and MADISON COUNTY
SHERIFF'S DEPUTIES JOHN DOES #1
through #6, in their individual capacities,
DEFENDANTS

VIDEOTAPED DEPOSITION OF SHERIFF RANDALL TUCKER

APPEARANCES NOTED HEREIN

DATE: THURSDAY, DECEMBER 21, 2017

PLACE: HILTON GARDEN INN

WEST CAPITOL STREET

Jackson, MS

TIME: 9:00 A.M.

REPORTED BY: DEBORAH H. NELSON

CSR #1256

JOB NO. 133425

RANDALL TUCKER

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RANDALL TUCKER

VIDEOGRAPHER: Eddie Nabors

ALSO PRESENT:

Ms. Jade Morgan
Chief Jeremy Williams

RANDALL TUCKER

I N D E X

Style and Appearances.....	1
Examination by Mr. Youngblood.....	6
Examination by Mr. Ross.....	288
Further Examination by Mr. Youngblood.....	297
Court Reporter's Certificate.....	302
Deponent's Certificate.....	303

EXHIBITS

Exh. 1 - Transcript of Robert Gibson case.....	31
Exh. 2 - Answer by Defendants 6/17.....	36
Exh. 3 - Response to Interrogatories.....	37
Exh. 4 - Response to Request for Admission.....	38
Exh. 5 - E-mail.....	42
Exh. 6 - Rylan Thompson's testimony.....	66
Exh. 7 - Bates Number 1182 - e-mail.....	70
Exh. 8 - Bates Number 955 - e-mail.....	70
Exh. 9 - MC e-mails 375-376.....	74
Exh. 10 - Policies and Procedures of the Sheriff....	89
Exh. 11 - Jackson Free Press Release.....	95
Exh. 12 - Randy Tucker Press Release.....	97
Exh. 13 - Complaint.....	100
Exh. 14 - Sobriety Checkpoint Guidelines.....	141

RANDALL TUCKER

Exh. 15 - Notice of Checkpoints.....	153
Exh. 16 - Notice of Checkpoint.....	158
Exh. 17 - Notice of Checkpoint - 2013.....	158
Exh. 18 - Incident Report.....	159
Exh. 19 - Letter from Angela Lyons 10/31/17.....	163
Exh. 20 - Chief Deputy Williams' notes.....	166
Exh. 21 - Bates Number 1343-1399 MC emails.....	170
Exh. 22 - Brief of the City of Jakson.....	204
Exh. 23 - Decision by Court of Appeals.....	207
Exh. 24 - Memo from Shirlene Anderson to S. Moore..	210
Exh. 25 - Interview with the Madison Co. Journal...	224
Exh. 26 - narrative by Chief Williams - Manning....	243
Exh. 27 - Memo from S. McCarty - affidavit.....	266
Exh. 28 - Bates No. Mc RFP 8 29 through 8 81.....	267
Exh. 29 - Complaint - Cooper vs. Tucker.....	275
Exh. 30 - Investigational Report of Chief Williams..	276
Exh. 31 - MC email 264 - from Susan McCarty.....	278
Exh. 32 - FB Posting - Tucker WLBT - 8/2/15.....	283
Exh. 33 - FB posting - 8/27/16 - screen-shot.....	284

Page 94

RANDALL TUCKER

of or mandatory use of safety or bulletproof vests used to apply to certain individuals and officers certain units. We have made that mandatory for everybody -- uh -- the wearing of traffic safety vests -- uh -- used to apply to the guys on the DUI grant. Now, it applies to every deputy. I mean, off of the top of my head, I can't necessarily think of anymore.

Q Okay. And sitting here today, are there any policies or procedures that you plan to change?

A No.

Q Okay. You campaigned, in part, back in 2011, on a promise to seek to effectively continue the policies and procedures of Sheriff Trowbridge; is that fair to say?

A No, that's not fair to say. I didn't say I would continue his policy and procedures, which I said I would campaign on the basis of continuing professional, good professional law enforcement.

Q Okay.

A You wanted to maintain quality of law enforcement that the county had under Sheriff Trowbridge. Would that be a fair summary of your campaign statements?

Page 95

RANDALL TUCKER

MR. ROSS: I object to the form.

Very broad and --

A Can you repeat that question? I'm not sure I understand it.

Q (Mr. Youngwood) Let me show you an updated document.

A Okay. All right.

(Exhibit 11 marked for the record)

Q Let me give you Exhibit 11, sir. This is a printout we obtained off the Internet from the Jackson Free Press back from August 2011.

A Okay.

Q If you -- do you recall this article?

A No, it's my first time seeing it.

Q Okay. Well, if you'd turn to the second page, sir, you'll see there's a reference to you.

A Yeah.

Q Have you seen this page before?

A Not to my knowledge. Not that I recall.

Q You don't recall answering questions for the Jackson Free Press in connection with your campaign for sheriff?

A I may have answered questions, but I have never seen this page is what you asked me.

Page 96

RANDALL TUCKER

Q Okay. Well, do you recall -- you said you may have. Do you believe you answered questions asked to you by the Jackson Free Press in 2011, in connection with your campaign?

A I don't recall that.

Q Why don't you take a look, if you could, sir, under the heading "Why Do You Want to Run for Sheriff?"

A Yes.

Q And the words below it say you want to maintain quality of law enforcement that we have under Sheriff Trowbridge. Do you see that sentence?

A I do.

MR. ROSS: I'd ask the witness to be given just a few seconds to read.

MR. YOUNGWOOD: Sure. Absolutely!

Q (Mr. Youngwood) Take your time.

A (PAUSE) I've read that statement.

Q Okay. Do you believe that's a statement you gave to the Jackson Free Press back in 2011?

MR. ROSS: Objection. Asked and answered.

A I don't recall making the statement.

Q (Mr. Youngwood) Would it be a true

Page 97

RANDALL TUCKER

statement on, as of August 2011, was it your desire to maintain the quality of law enforcement that we have under Sheriff Trowbridge?

A Yes.

Q And if I could give you now what I'll mark as Exhibit 12, sir.

(Exhibit 12 marked for the record)

A Do you mind if I move that? I'm just trying to keep them in order so I can go back to them.

Q Yeah, you're going to be better than me at that today. So this is Exhibit 12, sir. I'll tell you that on the top is just this past Sunday's date which reflects the date we printed this. But if you can take a look at this and if you'll look on the second page, you'll see it says "Randy Tucker Press Release, 1/18/11," and it says "posted January 19, 2011, 4:32 P.M."

Let me know if you recognize this document as a press release that you issued in connection with your campaign for sheriff back in January 2011.

A I put out a lot of press releases, and I don't recall this specific one, but I'm not disputing that this --

Page 98

1 RANDALL TUCKER

2 Q Okay. The sentence that I want to refer
3 you to is in the second paragraph of it, where the
4 document reads "As Madison County Sheriff, I will
5 continue the high level of law enforcement and
6 justice Madison County residents expect and have
7 enjoyed under Sheriff Toby Trowbridge."

8 Do you see that?

9 A I do.

10 Q And do you believe that's a statement you
11 made in January 2011?

12 A Uh -- I don't recall making the statement,
13 but if it's part of the release that I -- if it is,
14 in fact, a release that I did, yes.

15 Q Okay. Well --

16 A It says, "My campaign for sheriff will be
17 about maintaining professionalism, integrity, and
18 high quality of law enforcement in Madison County."
19 That's what I just telling you.

20 Q And the words you just referred to by
21 "maintaining," you're referring to maintaining the
22 levels of professionalism, integrity, and high
23 quality that were in place under Sheriff Trowbridge;
24 correct?

25 A Yes.

Page 99

1 RANDALL TUCKER

2 Q All right. And that was, in fact, the
3 intent of your campaign; correct?

4 MR. ROSS: Object to the form. It's
5 very broad.

6 A The intent of my campaign was not to
7 emulate Toby Trowbridge, if that's what you're
8 asking me. The intent of my campaign was to get
9 elected and provide professional law enforcement to
10 Madison County on a continuing basis.

11 Q (Mr. Youngwood) And by your -- uh -- and
12 part of your campaign promises were to maintain the
13 level of professional integrity and high quality of
14 law enforcement in place under Sheriff, that were in
15 place under Sheriff Trowbridge; correct?

16 A Yes, he had some very good qualities.

17 Q Did he have some bad qualities?

18 A Everyone does. Everyone has good and bad.

19 Q Well, as sheriff, as sheriff, what, what
20 undesirable qualities did you see?

21 A Well, I think --

22 MR. ROSS: I object to the form.

23 Very broad. I don't see any relevance to
24 this. Talking about personal qualities?

25 MR. YOUNGWOOD: No, as sheriff. As

Page 100

1 RANDALL TUCKER

2 carrying out his professional duties.

3 MR. ROSS: You can answer to the best
4 of your knowledge.

5 A In my opinion, he wasn't around enough to
6 help his chief deputy with the day-to-day operations
7 of the department.

8 Q (Mr. Youngwood) Anything else?

9 A Not off of the top of my head, no.

10 Q By "not around enough," what do you mean?

11 A He was out of the office a lot.

12 Q Out of the office as -- strike that. I'll
13 give you what we'll mark as Exhibit 13, sir.
14 (Exhibit 13 marked for the record)

15 Q This is a copy of the complaint in this
16 action. I take it from your earlier testimony you
17 have previously read this document?

18 A I have.

19 Q I'd like to refer you to page 36 of the
20 document, please. And on page 36 there begins a
21 section titled, a section for "The MSCD's Policing
22 Program is longstanding and deeply entrenched." Do
23 you see that?

24 A Yes, I see that.

25 Q Okay. And is this a section of the

Page 101

1 RANDALL TUCKER

2 complaint you previously reviewed?

3 A Yes.

4 Q Okay. I'd like to refer you forward a bit
5 to some paragraphs that concern Sheriff Trowbridge
6 that begin on paragraph 115. Paragraph 116,
7 "Sheriff Trowbridge's unconstitutional, racially
8 discriminatory policing practices were widely known
9 throughout Madison County." Do you agree with that
10 statement?

11 A No. I think that's someone's opinion.

12 Q Okay. Were you aware of unconstitutional
13 policing practices carried out by Sheriff
14 Trowbridge?

15 A No.

16 Q If you'll go to paragraph 118, it talks
17 about "a group of Canton residents bringing a
18 petition to the attention of the Madison County
19 Board of Supervisors with 664 signatures, demanding
20 end of frequent roadblocks in the predominantly
21 black neighborhoods, the excessive force and
22 brutally administrated, and brutality administrated
23 by police officers and racial profiling." Do you
24 see that?

25 A I see that.

Page 170

RANDALL TUCKER

importance of an election year at this meeting?

A I do not.

(Exhibit 21 marked for the record)

Q I'll give you what's marked as Exhibit 21, sir. It's the Bates Number MC e-mails 1343 to 1388. The top of it, at least, are some e-mails on which you are on. Just take a moment to look at them, and then I'll ask you my question.

A You want me to look at each one of these individually? Is that what you're saying?

Q No, I think I'm going to direct you to the first two pages and -- OR really just the first, maybe the first two pages.

A I'm sorry, you said three pages?

Q Two pages.

A Two pages? Okay, I've read them.

Q Do you recall this e-mail exchange?

A Yeah, vaguely, I do.

Q What do you recall about it?

A I don't necessarily recall the content. I remember these or I can see that these are e-mails from Trey Bobinger to me where he sent me some -- uh -- proposed -- uh -- I don't what the correct term is, bills or legislation being proposed by the

Page 171

RANDALL TUCKER

ACLU.

Q And who is Mr. Bobinger?

A He's a lobbyist for the Mississippi Sheriff's Association.

Q And he writes to you on January 8, 2016, at 4:35 P.M.: "Sheriff, I received this e-mail from the representative of the ACLU today, contains three bills they are going to have introduced in the current legislative session. Please review. I know you are going to be all for them!!" And then in parentheses the word "crazy!" Do you see that?

A I do.

Q And your response was, "I've read these." Is that correct? You read them before writing this e-mail?

A That's what it says.

Q Well, do you believe it to be true?

A I have no reason to lie.

Q "And all are utterly ridiculous." Do you see that?

A Absolutely, I see it.

Q What did you find ridiculous about them?

A Well, without having them here in front of me to reread and refresh my memory of what they

Page 172

RANDALL TUCKER

contain, I couldn't tell you. I'm sure if I thought they were ridiculous, I thought they were ridiculous.

Q Okay. Well, I believe the bills are actually attached to the e-mail at 1345.

A Okay.

Q Take a look and look at whatever it is you need to look at. We can go one at a time if you want. I'd like to know what you thought was ridiculous about them.

MR. ROSS: Can we go off the record while he's reading.

(OFF RECORD BRIEFLY)

A (WITNESS EXAMINES REPORT)

Q (Mr. Youngwood) Go ahead, Mr. Tucker. Sheriff Tucker.

VIDEOGRAPHER: One second, please. Back on the record.

Q (Mr. Youngwood) We went off the record at some point, but let's just let the record reflect that Sheriff Tucker has been reviewing the document during the break. By my account, he began reviewing the document at 1:51 P.M., and it is now 1:58. And Sheriff Tucker, there is a question.

Page 173

RANDALL TUCKER

A And the question was, was this part of what you wanted me to review, or was it just this first one?

Q Well, whatever you need to review to answer my question, which is what led you to write that "I've read all of these." I'm sorry, I misspoke, "I've read these and all are utterly ridiculous."

So whatever you need to review, whatever you reviewed in 2016 to come to that statement, to allow you to make that statement, I'd ask for you to review and then tell me the basis for the statement.

MR. ROSS: And let the record reflect that Exhibit 21 is two pages of e-mails and then 42 pages of consisting of three separate legislative bills. And so if you want him to take the time to read all of them, take as much time. If you want -- if he's going to read it and he needs to read all of it, he should take the time that he needs.

A That was actually my question. Was there a specific area or --

Q (Mr. Youngwood) Well --

Page 174

1 RANDALL TUCKER

2 A I can address the body camera one first
3 and then go to the next one. However you want me to
4 do it.

5 Q Well, let me make sure. If you look back
6 on the first page of the exhibit, you received this
7 e-mail from Mr. Bob Bobinger at 4:35 P.M.; correct?

8 A Yes, that's what it says.

9 Q And you responded using your iPhone at
10 4:40 P.M., five minutes later. Do I read that
11 correctly?

12 A Yes.

13 Q Okay. So did you open the attachments?

14 A Yes.

15 Q Between 4:35 and 4:40?

16 A Yes.

17 Q And you spent up to five minutes reviewing
18 them; correct?

19 A Yes.

20 Q And you have now had them in front of you
21 for nine minutes, not on an iPhone but in hard copy.
22 So do you need more time today to review them than
23 you needed in 2016 to come to the conclusion that
24 they are utterly ridiculous?

25 A I'm sorry, by my e-mail you probably

Page 175

1 RANDALL TUCKER

2 didn't understand that him sending them was not the
3 first time I had seen them.

4 Q Okay.

5 A So, no, I'm not a speed reader. I didn't
6 read them in four or five minutes.

7 Q Why don't we go with the first one. Why
8 don't you tell me what about it you found to be
9 utterly ridiculous?

10 A I think the body cameras are an extreme
11 burden to law enforcement in that they can cause an
12 officer to hesitate when action needs to be taken at
13 the scene of an incident or at the time of a
14 criminal offense. I think it unduly burdens a
15 department to try to figure out a way to manage to
16 store data for that length of time. That's an
17 exuberant cost I don't know if you're familiar with.
18 I'm not necessarily greatly familiar with it,
19 myself, but according to our IT Department, it would
20 be a significant expense.

21 And at the time this was being proposed, there
22 were some pilot programs up in the northern part of
23 the United States that we were waiting to get the
24 results of, some of which turned them back in saying
25 that they didn't want to participate. And it opens

Page 176

1 RANDALL TUCKER

2 up, I mean it labels a department or it saddles a
3 department with all manner of new policy and
4 procedure and opens them up to extensive lawsuit
5 based on the fact that they suggests that every
6 department should wear body cameras, basically, was
7 the gist of the bill.

8 Q Can you see any good that would come with
9 having officers wear body cameras, sir?

10 A I don't know about body cameras, but
11 there's good comes from cameras. Obviously, that's
12 the reason that my administration put them in every
13 vehicle that we patrol with.

14 Q We'll get to the vehicles in a moment, but
15 would you agree with me that if the officers were
16 wearing body cameras, it would be easier to track
17 whether or not an officer behaved in any police
18 misconduct?

19 A I can't answer that. We haven't done
20 that.

21 Q Okay, and, well, you haven't done it, but
22 you concluded the bill was ridiculous; right?

23 A I think it is ridiculous. That's my
24 opinion.

25 Q All right. And would you agree with me

Page 177

1 RANDALL TUCKER

2 that body cameras might assist in preventing
3 officers from acting in an impermissible racially
4 discriminatory manner?

5 MR. ROSS: Object to the form.

6 Absolutely no context to your question.

7 A I have professional officers. They're
8 screened. I don't believe they act inappropriately
9 in any rate. I don't agree with your assessment.

10 Q (Mr. Youngwood) Okay. Why don't we go,
11 skip the second of the bills and go to the third,
12 the one that's described in the PDF or in the first
13 page of the exhibits -- "oral advisement, written
14 consent part of search of a vehicle or person."
15 See if you can find that in the attachments. Take a
16 review and --

17 MR. ROSS: What page is that on?

18 MR. YOUNGWOOD: Well, he's the one
19 who reviewed them a year ago or almost
20 two.

21 Q (Mr. Youngwood) I'm going to let you tell
22 me what you need to review to tell me why you found
23 the third of these three bills utterly ridiculous.

24 A Can you tell me a page, or do you just
25 want me to just sit here and figure out what you're

Page 282

1 RANDALL TUCKER
2 about racially discriminatory practices?
3 A I understand that's his claim.
4 Q Have you discussed that with Lieutenant
5 Sandridge?
6 A With my attorneys.
7 Q Leave it outside of the attorneys have you
8 discussed it with him?
9 A No.
10 Q Did you have any conversations with
11 Mr. Gibson prior to his dismissal from the
12 department regarding racial issues?
13 A No, he never came to me with a racial
14 issue.
15 Q Are you aware of him coming to anyone in
16 the department with a racial issue prior to his
17 dismissal?
18 A No, I'm not aware that he ever approached
19 anyone.
20 Q Okay. I'm sorry, do you have a Facebook
21 account?
22 A I do.
23 Q And at least some of your postings you
24 have made public?
25 A It's very possible. I don't know. I'm

Page 283

1 RANDALL TUCKER
2 not a real guru with it.
3 Q Neither am I, sir. I'm going to give you
4 one or two postings that we were able to obtain, you
5 know, something from the Internet.
6 A Okay.
7 Q I'll represent to you they come from your
8 Facebook account. This is Exhibit 32. It doesn't
9 have a Bates number or anything. It says on the top
10 of it "Randy Tucker, Sher. WLBT 3 on your side
11 photo, August 2, 2015."
12 I believe the way it works, sir, is the top of
13 the page is something you posted; at the bottom, may
14 be responses that certain people made to it. Do you
15 see that?
16 A I see that I shared WLBT 3's photo.
17 Q And what is WLBT 3?
18 A It's a local TV station.
19 Q Okay. And why did you share this photo?
20 A I can't say for sure, but I'm sure it's in
21 reference to an officer being shot.
22 Q There are certain comments written below.
23 One by Lisa Potter. Do you know who that is?
24 A I do not.
25 Q Okay. Bernie Higginbotham, Jr., do you

Page 284

1 RANDALL TUCKER
2 know who that is?
3 A I do not.
4 Q John Mag-ee? Do you know who that is?
5 A That's John Ma-gee, yes, I know him.
6 Q Okay. Who is he?
7 A He's a high school friend I went to school
8 with.
9 Q And Andy Divine? Do you know who that is?
10 A I do. I know Andy Divine.
11 Q Okay. Do you recall these postings being
12 made regarding your posting?
13 A No, it's not uncommon that I would share
14 something like that, and I'd probably never go back
15 and review any comments, so, no, I don't recall
16 them.
17 Q You can put that aside.
18 (Exhibit 33 marked for the record)
19 Q I'm going to give you what I've marked as
20 Exhibit 33. This is another screen-shot from what
21 we understand to be your Facebook page. And I
22 should have asked you on the prior one, 31, which
23 maybe you could flip back to for one moment. Have I
24 described it to you, but would you agree with me,
25 sir, that this appears to be from your Facebook

Page 285

1 RANDALL TUCKER
2 page? 30 -- I'm sorry. I'm sorry. 32. I'm
3 confusing the record. I apologize. 32, which is
4 the screen-shot of, it's August 2, 2015. Let's
5 identify it that way.
6 A Yes.
7 Q And this appears to be from your Facebook
8 page and something you shared?
9 A Yes.
10 Q Okay. And 33, which is, again, something
11 we pulled off the Internet, August 27, 2016. Would
12 this also be something you shared on your Facebook
13 page?
14 A It's very possible, and, yes, it appears,
15 yes.
16 Q Okay. I want to ask you who Lisa Williams
17 is, sir?
18 A Uh -- I don't know how to describe her,
19 other than she's Lisa Williams. She's a lady that
20 lives in Gluckstadt.
21 Q A friend of yours or an acquaintance of
22 yours?
23 A I mean I know her, but, no, we're not
24 friends.
25 Q Okay. And then Linda Brady Fitzgerald.

Page 286

RANDALL TUCKER

Is that somebody you know?

A I have no idea who that is.

Q And Michael Herndon?

A No, sir.

Q Okay, you can put that to the side. There was an incident in January 2016, when Councilman Kenneth Stokes made some statements that got your attention. Do you recall that?

A Yes, sir, I do.

Q Okay, and he said something about throwing rocks and bricks on, presumably, police officers; correct?

A Yes.

Q And you, obviously, took offense to that?

A I did.

Q Okay. In a video interview set, sir, with The Clarion-Ledger, do you recall telling them that Stokes is setting his race back by implicating a race issue?

A I don't recall saying it, but if that's, if it's on video, it is what it is.

Q Okay. Would you -- I can show you that video if it's helpful, but if --

A I'm not disputing it.

Page 287

RANDALL TUCKER

Q -- do you have any reason to believe you didn't say that, sir?

A No, I'm not disputing it. If -- his intentions, you know, that was my analysis of what he was doing.

Q Okay. And what -- why would that have been your analysis? In what way would an individual setting his race back by implicating a race issue?

A He was basically trying to get his very much I guess probably close to a hundred percent constituency to attack police officers, not necessarily white officers, but all officers from different agencies that came through his jurisdiction lawfully.

Q How did that put his race back, sir?

A He made it a race issue.

Q He's black; is that right?

A Yes, he's black. He made it into a racial issue. Those were his words, not mine.

Q Well, but the words "he's putting his race back," those were your words, not his?

A That's correct.

Q And you stand by them?

A I do.

Page 288

RANDALL TUCKER

Q Okay.

MR. YOUNGWOOD: Why don't we go off the record for a couple of minutes. I may be finished. If I'm not finished, I have just a few minutes left.

VIDEOGRAPHER: Off the record. 4:45.

(BRIEF RECESS)

VIDEOGRAPHER: Back on record. 4:58.

MR. YOUNGWOOD: I want to just read into the record the Bates number of the video of the incident involving Mr. Manning that we played earlier in the afternoon. It was produced by us as PLMCSD 0000020. And, obviously, I have tried to read portions of it and to mark where I was questioning the witness, but the tape stands for itself. It says whatever it says.

And with that, for now, Sheriff Tucker I'll hand the questioning over to your counsel.

EXAMINATION BY MR. ROSS:

Q Sheriff Tucker, just a few questions. Would you look at Exhibit 3, please, which are

Page 289

RANDALL TUCKER

Defendant's Interrogatory Responses?

A Okay.

Q And go to page 8, please. Okay, on page 8, Interrogatory Number 9 reads, "Identify and describe all changes or variations with a formal or informal, written or unwritten made by Sheriff Tucker to the policies and procedures in place under Sheriff Toby Trowbridge."

And then there are responses A through Z, and then AA and BB on pages 8, 9 and 10; is that correct?

A Yes.

Q Okay. Is that a more complete list of the changes that you made at the Madison County Sheriff's Department from what was in place under Sheriff Toby Trowbridge that you could remember during your direct examination?

A Yes.

Q Okay.

MR. ROSS: Let's go off the record.

VIDEOGRAPHER: Off record.

(OFF RECORD BRIEFLY)

VIDEOGRAPHER: Back on record.

Q (Mr. Ross) Okay, counsel-opposite asked

RANDALL TUCKER

CERTIFICATE OF COURT REPORTER

I, DEBORAH H. NELSON, Court Reporter and Notary Public for the State of Mississippi, do hereby certify that the above and foregoing pages contain a full, true, and correct transcript of the proceedings had in the forenamed cause at the time and place indicated, which proceedings were recorded by me to the best of my skill and ability.

I also certify that I placed the witness under oath to tell the truth and that all answers were given under that oath.

I certify that I have no interest, monetary or otherwise, in the outcome of this case.

Witness my signature and seal this the 4th day of January, 2018.

DEBORAH H. NELSON, CSR 1256

RANDALL TUCKER

March 6, 2018

CERTIFICATE OF DEPONENT

I, SHERIFF RANDALL TUCKER, certify that I have examined the foregoing pages as to the correctness thereof, and that after reading said pages, I find them to contain a full and true transcript of the testimony as given by me on THURSDAY, DECEMBER 21, 2017, except for the list of corrections, if any, attached on a separate sheet with the page number, line number and the desired correction/change.

Witness my hand, this the _____ day of _____, 2018.

SHERIFF RANDALL TUCKER
CERTIFICATE

Subscribed and sworn to before me, this the _____ day of _____, 2018.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

ERRATA SHEET

Case Name:

Deposition Date:

Deponent:

Pg.	No.	Now Reads	Should Read	Reason
6	_____	_____	_____	_____
7	_____	_____	_____	_____
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Signature of Deponent

SUBSCRIBED AND SWORN BEFORE ME

THIS ____ DAY OF _____, 2018.

(Notary Public) MY COMMISSION EXPIRES: _____